IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.2311 OF 2003

Between:

Smt.K.Satyamma

.... PETITIONER

AND

State of Andhra Pradesh, rep. by its
Secretary, Home Department,
Secretariat Buildings, Hyderabad,
And others.

....RESPONDENTS

HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.2311 OF 2003

O R D E R

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Alleging that her minor daughter – Santoshi Bai (the deceased) was murdered and was later hanged, and in spite of her giving a report, Police are not investigating into the case properly and are trying to show that the death of the deceased was suicidal, petitioner filed this petition seeking a direction to the respondents to handover the investigation to the CBCID.

2. The third respondent (Inspector of Police, Rajendranagar Police Station) filed his counter-affidavit on behalf of the respondents *inter alia* contending that Mr. Karankote Eswarji – son of the petitioner lodged a complaint in the Police Station, alleging that inasmuch as his mother (the petitioner), on coming to know that the deceased fell in love with a boy, admonished the deceased, the deceased felt humiliated and went out of the house at about 10.00 a.m., and hanged herself with a plastic rope and died, was registered as Crime No.319 of 2002 under Section 174 Cr.P.C. and the investigation was entrusted to the Head Constable who visited the scene of offence and conducted the scene of offence panchanama in the presence of mediators and held inquest on the dead body of the deceased and sent the dead body of the deceased for post-mortem examination, and the report of the doctor, who conducted post-mortem examination, discloses that

the deceased died due to asphyxia as a result of hanging, and that the investigation revealed that the deceased, who fell in love with a person belonging to another caste, was admonished by the petitioner, and so, the deceased went to their old house and hanged herself with a plastic rope and died and that no foul play is suspected, and that the then Sub-Inspector of Police, Rajendranagar Division filed a final report on 20.01.2003 after obtaining the permission of the Sub-Divisional Police Officer, Rajendranagar Division, and the allegations in the affidavit filed in support of the complaint regarding the deceased being subjected to molestation, is not and cannot be true.

3. The contention of the counsel for the petitioner is that in view of the photographs of the dead body produced by the petitioner along with the petition as material documents, the entries in the inquest panchanama relating to the injuries etc., on the body of the deceased cannot be true, and so, it is clear that the investigation was not conducted in proper lines, and so, the investigation in this case has to be handed over to CBCID.

4. The contention of the Assistant Government Pleader for Home is that since the post-mortem examination report does not support the theory propounded by the petitioner and since the final report was already filed, the remedy of the petitioner, if any, is to file a private complaint or to file an objection for the final report, and since the petitioner failed to file any objections to the final report, she is not entitled to any relief in this writ petition.

5. The death of the deceased took place on 02.12.2002 i.e., nearly five years back. If the petitioner felt that the post-mortem examination was not properly done, she should have filed a petition for re-postmortem examination, but she did not think it fit to make such a request. In the column relating to genital organs in the post-mortem examination report of the deceased, it is noted NAD (No Abnormality

Detected). So, *prima facie*, suspicion of the petitioner that the deceased was subjected to rape, cannot be true. Since the body of the deceased would not be available for post-mortem examination at this length of time, even if she were buried, and so, her skeleton only may be available at this length of time, it cannot be said if she was subjected to rape. So, no useful purpose would be served by entrusting the investigation to CBCID at this stage.

6. The post-mortem examination report shows that the cause of death was asphyxia due to hanging. In fact the son of the petitioner, in his report given to the Police, stated that his sister i.e. the deceased died due to hanging. He did not suspect foul play by anybody. After investigation, Police filed a final report stating that the deceased died due to hanging. By looking at the photographs produced by the petitioner, it cannot positively be said that the description of the injuries found on the body of the deceased in the inquest panchanama are not correct. So I find no grounds to entrust the investigation to any other agency.

7. Since the final report is already been filed, if the writ petitioner has an objection thereto, she can approach the Magistrate within a period of fifteen days from the date of receipt of a copy of this order, and raise her objections to the final report. With the above observation, the writ petition is dismissed. No costs.

JUSTICE C.Y.SOMAYAJULU

3rd OCTOBER, 2007

THE HONOURABLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.2311 OF 2003

3rd OCTOBER, 2007